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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,383	02/11/2004	Shaker Mousa	MOUSA-6043	3915

7590 12/18/2009  
JACK P. FRIEDMAN, Ph.D.  
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22 Century Hill Drive  
Suite 302  
Latham, NY 12110

EXAMINER
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KWON, BRIAN YONG S

ART UNIT	PAPER NUMBER
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1614

MAIL DATE	DELIVERY MODE
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12/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Art Unit: 1614

***Claims for Different Invention Added After an Office Action***

Claims 31-64 which submitted on 11/13/2008 and 05/04/09 are directed to an invention that is independent or distinct from the invention originally claimed and/or elected invention.

It is noted that applicant originally has received an action on the merits for a composition comprising “a nicotine, nicotinic acid analogs or polymeric forms thereof” which was originally presented (original claims 6-7 and 31-30) and subsequently elected by the applicant in response to the restriction requirement mailed 10/16/2006.

As clearly seen in the claims prior to the examiner’s restriction requirement (see claims filed 12/07/2004), the claims recites alternative language "or". Accordingly, the elected invention was construed to mean a composition comprising one of component selected from nicotine, nicotinic acid analogs or polymeric forms. However, the amendment filed on 11/13/2008 and 05/04/09 cancelling claims 1-30 and presenting claims (which is drawn to a composition comprising nicotine or a polymeric form thereof in combination with nicotinic acid analogs) that are different from the invention originally claimed and/or elected invention is considered non-responsive (MPEP § 821.03).

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Art Unit: 1614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, can be reached on (571) 272-0718. The fax number for this Group is (571) 273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications may be obtained from Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov> Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Brian-Yong S Kwon/  
Primary Examiner, Art Unit 1614